ACTION: FINAL
FILED

DATE: 10/07/2002
08:50 AM

4112-3-06 **Answer.**

(A) Time of filing answer. A respondent against whom a complaint has been issued and on whom a notice of hearing and copy of such complaint has been served shall file a written answer within twenty-eight days from the date of service of such complaint and notice of hearing.

(B) Place and manner of filing. The answer shall be filed in duplicate at the central office compliance department of the commission in Columbus and a copy served upon the commission's attorney and all other parties to the proceeding. ~~The filing may be by regular mail or personal delivery, or by registered or certified mail, return receipt requested.~~The answer may be filed by regular mail, delivery service, or personal delivery.

(C) Extension of time. Upon application, the commission or ~~hearing examiner~~ administrative law judge, for good cause shown, may extend the time within which the answer may be filed.~~, but in no case beyond ten days prior to the date set for the hearing on the complaint, or as such date may be extended.~~ No application shall be granted within thirty days prior to the date set for the hearing on the complaint, or as such date may be extended.

(D) Form of answer. The answer shall be in writing and shall contain the ~~post office~~ address and telephone number of the respondent, and if he is represented by an attorney, the name, ~~post office~~ address and telephone number of said attorney. The answer shall contain ~~a general or specific~~ an admission or denial denial of each and every allegation of the complaint ~~controverted by the respondent, or~~ including a denial of any knowledge or information sufficient to form a belief concerning ~~such allegations and a statement of any matter constituting a defense~~ an allegation. Any allegation in the complaint which is not denied or admitted in the answer~~, unless the respondent shall state in the answer that the respondent, after due investigation, is without knowledge or information sufficient to form a belief,~~ shall be deemed admitted. The answer shall also contain a statement of any matter constituting a defense. An affirmative defense not first set forth by answer may not be raised at hearing on a complaint. Any allegation of new matter contained in an answer shall be deemed denied without the necessity of a reply.

(E) Amendment of answer. The respondent may apply to the commission or the administrative law judge to ~~amend his or her answer at any time before twenty days prior to the hearing on the complaint, as a matter of right, and thereafter at the discretion of the commission or the person or persons conducting the hearing, on~~

~~application duly made and for good cause shown.~~ Upon application, the commission or the administrative law judge, for good cause shown, may permit a respondent to file an amended answer. No amended answer shall be accepted for filing within thirty days of the date set for the hearing on the complaint. Whenever a complaint is amended, the respondent shall file an amended answer in the same manner as the original answer was filed.

~~(F) Service of answer. The commission shall, within ten days after the date of the filing of an answer or amended answer, but in any case not less than three days before the date set for hearing, serve a copy of such answer on the complainant at the complainant's last known address.~~

~~(G)~~(F) Failure to file answer. A respondent who has not filed an answer~~,~~ as provided in paragraphs (A) to (E) of this rule~~,~~ shall be deemed in default and the ~~hearing shall proceed on the evidence in support of the complaint. Such default may be set aside by the commission or the hearing examiner upon:~~ allegations of the complaint shall be deemed admitted. Upon application duly made to the commission or the administrative law judge, such default may be set aside for the following reasons:

(1) ~~Good cause shown; and~~Mistake,

(2) ~~Equitable terms and conditions~~Surprise, or ~~.~~

(3) Excusable neglect.

Replaces: 4112-3-06

Effective: 10/17/2002

R.C. 119.032 review dates: 8/1/2002 and 08/01/2007

CERTIFIED ELECTRONICALLY

Certification

10/07/2002 08:50 AM

Date

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